



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

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Municipal Boundary Review

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December 20, 2012

Robert Barbian, Director of Development
City of New Richmond
156 East First Street
New Richmond, WI 54017

Douglas Rivard, Chair
Town of Star Prairie
2118 Cook Drive
Somerset, WI 54025

Re: City of New Richmond -- Town of Star Prairie Cooperative Boundary Plan

Dear Messrs. Barbian and Rivard,

On behalf of the Department of Administration, I am pleased to provide your communities with our approval of your Cooperative Plan.

Congratulations on your success in reaching agreement on prospective development, municipal boundaries and services in your communities. Your collaboration establishes a solid foundation for decades of future cooperation between your communities, as well as a useful and unique example for other jurisdictions throughout Wisconsin.

Should you have any questions concerning our approval, or subsequent cooperative plan implementation issues, please do not hesitate to contact Erich Schmidtke at (608) 264-6102.

Sincerely,

Ed Eberle, Administrator
Division of Intergovernmental Relations

cc: Lawrie Kobza

(the following individuals, communities and jurisdictions may access the Department's approval and the Cooperative Plan document at www.doa.state.wi.us/municipalboundaryreview/.)

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Jackie Mitchell, Town of Erin Prairie Clerk
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Morrie Veilleux, New Richmond School District Superintendent
Tim Emholtz, Glenwood City School District Superintendent
St Croix Meadow Mobile Home Park
Cindy Campbell, St Croix County Clerk
Kevin Grabau, St Croix County Zoning Administrator
Ben Brancel, Wisconsin Department of Agriculture Secretary
Cathy Stepp, Wisconsin Department of Natural Resources Secretary
Mark Gottlieb, Wisconsin Department of Transportation Secretary



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

WISCONSIN DEPARTMENT OF ADMINISTRATION

**APPROVAL of the COOPERATIVE PLAN
under Section 66.0307, Wis. Stats.**

between the

**CITY OF NEW RICHMOND and TOWN OF STAR PRAIRIE,
ST CROIX COUNTY**

December 20, 2012

Introduction

In accordance with s. 66.0307(5) of the Wisconsin Statutes, the Wisconsin Department of Administration (Department) approves the cooperative plan between the City of New Richmond and the Town of Star Prairie.

On September 28, 2012, the Department received the *City of New Richmond and Town of Star Prairie Cooperative Plan* (hereinafter called the Cooperative Plan). The City and Town developed this Cooperative Plan in order to create a permanent municipal boundary line between the Town and City; so that future City expansion into designated Town areas are more compact, harmonious, planned, and efficient. This Cooperative Plan features:

- Designation of an 'Urban Reserve Area', an area of the Town adjacent to the City, which the City is expected to expand into;
- Creation of an Urban Reserve Commission to help oversee the Area's transition into the City;
- Detailed arrangements for how the Urban Service Area will be served with sewer and water, police protection, fire protection, streets and highways, land use planning and regulations, and building permits;
- Protection of specific Town lands from future annexation by the City, and
- Revenue sharing between the City and Town.

Public Hearing, Resolutions, Referenda and other Procedural Matters

Before a cooperative plan is submitted to the Department, a number of procedural steps must occur. These are:

- Joint initiating resolutions passed by each participating municipality authorizing its governing body to work to negotiate and develop the plan;
- A joint public hearing to receive comments from the public and other governmental bodies, and
- Resolutions adopted by each municipality to approve a final version of the cooperative plan and forward it to the Department for review.

The following procedural steps may occur:

- An advisory referendum; and
- A public hearing held by the Department.

No area residents requested that an advisory referendum on the Cooperative Plan be held, and no area residents requested that the Department hold a public hearing.

Authorizing resolutions, required by statute, were passed by the City of New Richmond and Town of Star Prairie on November 14, 2011, and are provided in Exhibit G of the Cooperative Plan. Exhibit H of the plan is an affidavit from the City showing that these authorizing resolutions were distributed to neighboring municipalities, St Croix County, West Central Wisconsin Regional Planning Commission, area school districts, universities, and vocational and technical colleges, sanitary and utility districts, and state agencies, as required by statute.

A joint public hearing was held on March 27, 2012. Exhibit J of the Cooperative Plan provides local residents' specific testimony and comments, which tended to relate to the purpose of the agreement as well as details on how territory will transfer from the Town to the City. Exhibits K and M of the plan show how the City and Town amended the Cooperative Plan in response to these comments, as well as the specific changes that were made in response to comments from St Croix County.

The Town adopted a resolution approving the Cooperative Plan on August 7, 2012, and the City did the same on August 13, 2012.

Approval Criteria Applicable to the Department

A cooperative plan shall be approved by the Department if the Department determines that each of the review criteria in s. 66.0307(5)(c), Wis. Stats., is met. The following paragraphs describe how the Plan relates to these review criteria. It is important to understand that this approval document is not a complete restatement of the Plan. Those wanting to learn specific details, provisions, nuances, and conditions should look to the text of the Plan itself, which is available from the City of New Richmond and Town of Star Prairie and also at the Department of Administration's website at: <http://doa.wi.gov/municipalboundaryreview>.

(1) The content of the plan under sub. S. 66.0307(3)(c) to (e) is sufficient to enable the Department to make the determinations under subds. 2 to 5m. s. 66.0307(5)(c)1, Wis. Stats.

Information required by statute, and provided in a clear manner by the parties, includes the following fundamental components of this Cooperative Plan:

- Territory subject to the Plan – the territory subject to the Cooperative Plan is the entire Town. The Cooperative Plan impacts the Urban Reserve Area of the Town most directly, because this is the area that will ultimately transfer into the City. However, the agreement also impacts the Town territory beyond the Urban Reserve Area by defining how the City regulates this territory.
- Transfer of certain territory – As previously mentioned, this Cooperative Plan will eventually result in the transfer of the Urban Reserve Area to the City. This area is shown on the map in Exhibit A of the plan. The Cooperative Plan provides several different mechanisms for attaching territory within the Urban Reserve Area to the City:
 - 1) Property Owner Request for Attachment –
 - a. Request for Attachment – all the property owners of a parcel or group of parcels may sign and file a written petition for attachment to the City. The property need not be contiguous to the City.

- b. Request for Attachment Related to Land Division – any property owner seeking to divide a parcel of land must attach to the City, unless the ‘Immediate Family Member Exception’ applies.

The Immediate Family Member Exception permits land divisions without attachment if the parcel is being divided to provide a lot for the personal use of the property owner or for the personal use of the property owner’s immediate family once this Cooperative Plan was adopted by the City and Town.

- c. Attachment Related to new Construction – any property owner building a house which is within 500 feet of City sewer or water service must attach to the City, unless the Immediate Family Member Exception applies.
- d. Attachment Related to Failing Septic System – any property owner with a failing septic system which is within 500 feet of City sewer and water service must attach to the City, unless the Immediate Family Member Exception applies.

- 2) Automatic Attachment Upon Reaching Trigger Date – the City may attach all remaining lands within the Urban Reserve Area with or without the consent of property owners when:

- a. Seventy percent (70%) of the Urban Reserve Area has already been attached to the City, or been listed as a ‘Developed Parcel’ in the ‘Developed Parcel Spreadsheet’, which is provided as Exhibit C of the plan; **and**
- b. Forty (40) years have passed from when this Cooperative Plan takes effect.

The City must notify the Town in writing when it believes that these two conditions for Automatic Attachment have been met.

The Developed Parcel Spreadsheet lists all of the parcels within the Urban Reserve Area that are developed as of the date this Cooperative Plan was adopted by the City and Town, which was August 2012. This list in Exhibit C of the plan will be updated at least yearly to reflect the changes as additional parcels become developed. Certain parcels within the Urban Reserve Area, called ‘Special Parcels’, are excluded from the 70% development calculation. Special parcels are those owned by the County or another governmental unit, or that are zoned for conservancy or exclusive agriculture.

- 3) Attachment Pursuant to Town and City Agreement – if the Town and City governing bodies agree, parts of the Urban Reserve Area may be attached to the City prior to Automatic Attachment. Property owner consent is not required, nor is contiguity with the City.

- 4) Attachment of Subdivided Land that is Transferred Outside the Immediate Family - the City may immediately attach a Developed Parcel that was previously allowed to be subdivided and developed without attachment to the City due to the Immediate Family Exception if such a Developed Parcel is subsequently sold or transferred outside of the Immediate Family.

The Town and property owners will be given notice of all attachments. The City will adopt an attachment ordinance and file it with the Secretary of State and St Croix County Register of Deeds as required by statute. The City and Town agree that no property outside of the Urban Reserve Area shall ever be attached to the City.

- Development and Land Use Control within Urban Reserve Area – the City and Town agree that the urban Reserve Area will be subject to special oversight.
 - 1) Land use Planning – the City shall exercise control over comprehensive planning and official mapping within the Urban Reserve Area, considering the advice of the Urban Reserve Commission, which is a body created by this Cooperative Plan and made up of both City and Town representatives. This Commission is charged with the following powers and duties:
 - a. Reviewing and making recommendations to the City on its proposed land division and subdivision ordinance for the Urban Reserve Area;
 - b. Reviewing proposed land divisions and subdivisions and making recommendations to the City;
 - c. Recommending whether or not new subdivisions should be served with City sewer and water service;
 - d. Recommending to the City and Town on whether jurisdiction of highways should be transferred, and also on the responsibility and costs of highway maintenance, repair, construction, and reconstruction;
 - e. Recommend the location and routes of City sewer and water extensions, and
 - f. Update the Developed Parcels Spreadsheet.
 - 2) City Zoning – the City shall create a zoning ordinance for the Urban Reserve Area which will apply to all lands within this area regardless of whether they are attached to the City or remain in the Town. The county will continue to administer shoreland, floodplain, and exclusive agricultural zoning. The City will consider the advice of the Urban Reserve Commission in making zoning decisions.
 - 3) City Land Division and Subdivision Regulation – the City shall create a land division and subdivision ordinance for the Urban Reserve Area, which will apply to all lands within this area regardless of whether they are attached to the City or remain in the Town. The City will consider the advice of the Urban Reserve Commission in making land division decisions.
 - 4) Building Permits – the Town shall continue to issue building permits for limited types of construction projects within the Urban Reserve Area such as additions, and accessory structures, subject to a joint review by the City. The Town may also issue building permits for new structures so long as they do not interfere with officially mapped projects, and so long as they are not structures for human habitation. An exception to this is that the Town may issue building permits for human habitation if they are located beyond 500 feet of City sewer and water

services. After parcels attach to the City, the City shall be responsible for issuing building permits.

- Development and Land Use Control Outside the Urban Reserve Area –
 - 1) No Extraterritorial Authority by City – the City may not exercise extraterritorial subdivision and zoning controls in Town areas outside of the Urban Reserve Area.
 - 2) Revenue Sharing – following attachment of a parcel within the Urban Reserve Area to the City, the City will share the tax revenues from that parcel with the Town for 5-years.
- Sanitary Sewer and Water Service – the parties agree that only property located within the City may receive City sewer and water service, except for the limited Town residents identified in the *Water Service Agreement between the Town of Star Prairie and the City of New Richmond* (2012), in Exhibit E of the plan. This agreement identifies several dozen Town properties that may receive City sewer and water service.

The parties agree that as property within the Urban Reserve Area attaches to the City, the City may allow the property owner to continue utilizing private wells and on-site sewage disposal systems rather than hooking up immediately to City sewer and water services.

The parties anticipate that eventually City sewer and water services will be extended throughout the Urban Reserve Area, and as a result, the Cooperative Plan provides for connection fees, special assessments, and rights-of-way access to facilitate this infrastructure development.

Property owners will be required to connect to City sewer and water service if their private systems are failing and they are located within 500 feet of City services. However, an exception to this is the Immediate Family exemption described previously, where the owner was in possession of the property prior to this Cooperative Plan being adopted by the parties.

- Highways within the Urban Reserve Area – the parties agree that the Town will be responsible for highways within the Urban Reserve Area that remain under the control of the Town, and the City will be responsible for highways under the control of the City or surrounded on both sides by City. The City is also responsible for any roadway costs incurred because of installation of City sewer and water infrastructure.

Where one-half a highway is located in the Town and one-half in the City, the Urban Reserve Commission will recommend how costs should be shared.

The City shall reimburse the Town for roadway improvements made during this Cooperative Plan's term that are subsequently attached to the City.

- Police and Fire Protection – property within the Urban Reserve Area which is attached to the City shall be served by the City's police department. Property remaining in the Town will be served by the St. Croix County Sheriff's Department.

- Fire Protection – Fire protection will be provided in accordance with the *New Richmond Fire District Contract Agreement* (2006), which is an intergovernmental agreement between the City of New Richmond, Village of Star Prairie, and Towns of Stanton, Erin Prairie, Richmond, and Star Prairie to own and operate a joint fire department. This agreement is provided in Exhibit F of the plan.
- Term – This Cooperative Plan commences upon the date of its approval by the Wisconsin Department of Administration, and extends until the entire Urban Reserve Area has been attached to the City. The boundary changes and the ultimate boundary line resulting from this Plan are intended to be permanent, as are the regulatory limits agreed to by the City for the remaining Town territory outside of the Urban Reserve Area.

The above information, along with other information included in the Cooperative Plan, provides sufficient detail to enable the Department to find that the standards in s. 66.0307(3)(c)1. Wis. Stats. have been met.

(2) *Is the cooperative plan consistent with each participating municipality's comprehensive plan and with current state laws, municipal ordinances and rules that apply to the territory affected by the plan? s. 66.0307(5)(c)2 Wis. Stats.*

According to the parties, this Cooperative Plan is consistent with both communities' comprehensive plans and the various goals, objectives, and policies regarding future land use, transportation, community facilities, agriculture, and intergovernmental cooperation, among other things, that are contained in those comprehensive plans.

Specific areas of consistency with the City's comprehensive plan are:

- One of the comprehensive plan objectives is for the City to enter into boundary agreements with neighboring towns, including the Town of Star Prairie, in order to guide where development will occur and to preserve open space to the extent possible;
- The Housing Element includes a goal of locating residential growth to match land use with available infrastructure, which this Cooperative Plan accomplishes;
- The Housing Element, and the Utility and Community Facilities Element, includes a goal that future development within the City's sewer service area should be developed with public sewer and water, which this Cooperative Plan accomplishes;

Specific areas of consistency with the Town's comprehensive plan are:

- The Intergovernmental Cooperation Element lists establishment of an intergovernmental relations plan/agreement with surrounding jurisdictions as a Town goal;
- The Land Use Element recognizes this Cooperative Plan's Urban Reserve Area as being a logical area to eventually transition to the City of New Richmond, and this area is specifically identified on the Town's future land use map.

Also, the St. Croix County Planning & Zoning Office commented on the Cooperative Plan and generally indicated its support. The letter is provided in Exhibit L of the plan.

It is significant to note that none of the other communities or jurisdictional entities that were provided notice of this Cooperative Plan has voiced any comments or concerns. For the foregoing reasons, the Department finds that the Cooperative Plan is consistent with each community's comprehensive plan and with all current state laws, municipal regulations and administrative rules and that the standard in s. 66.0307(5)(c)(2) Wis. Stats. is therefore met.

(3) *Adequate provision is made in the cooperative plan for delivery of necessary municipal services to the territory covered by the plan. s. 66.0307(5)(c)(3), Wis. Stats.*

This Cooperative Plan sets forth detailed arrangements for how the Urban Reserve Area will be served by the Town and City, as this area gradually transitions entirely to the City.

This document has previously described the provisions concerning land use planning, zoning, land division and subdivision regulations, building permits, sanitary sewer and water service, highway maintenance and construction, police protection, and fire protection. Therefore, this standard is found to be met.

(4) *The shape of any boundary maintained or any boundary change under the cooperative plan is not the result of arbitrariness and reflects due consideration for compactness of area. Considerations relevant to the criteria under this subdivision include quantity of land affected by the boundary maintenance or boundary change and compatibility of the proposed boundary maintenance or boundary change with natural terrain including general topography, major watersheds, soil conditions and such features as rivers, lakes and major bluffs. s. 66.0307(5)(c)(5), Wis. Stats.*

This Cooperative Plan establishes an orderly and predictable process for transferring designated territory – the Urban Services Area - from the Town to the City. This Urban Services Area represents a logical and compact expansion for the City on its northwest side. As this area transitions into the City, it will create a compact and uniform boundary line between the City and Town, while also allowing for the efficient planning and staging of infrastructure and other service needs. Furthermore, because the City is prohibited from annexing into areas of the Town beyond the Urban Reserve Area, the Town has certainty and predictability that these lands will remain in the Town and they can make infrastructure and development decisions accordingly, as well as decide not to develop certain areas which may be appropriate for agricultural or natural land uses.

Without this Cooperative Plan, development would still occur, however it would be sprawling, unplanned, and inefficient.

For all of the foregoing reasons, the Department finds that this Cooperative Plan is compatible with the surrounding community, will result in compact municipal boundaries, and that the standard in s. 66.0307 (5) (c) 5, Wis. Stats., is met.

(6) *Any proposed planning period exceeding 10 years is consistent with the plan.*
s. 66.0307(c)6 Wis. Stats.

This Cooperative Plan commences upon Department of Administration approval. The provisions related to the Urban Reserve Area extend until the entire Urban Reserve Area is attached to the City. The provisions addressing the regulation of Town territory outside of the Urban Reserve Area are intended to be permanent, as are the boundary lines between the City and Town after the Urban Reserve Area fully transfers to the City.

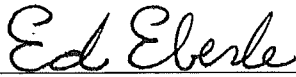
Because of the scope of this Cooperative Plan, including the detailed service provisions, land transfers, and area protected from annexation, a term exceeding 10 years is appropriate. The Department therefore finds that the standard in s. 66.0307(5)(c)6, Wis. Stats., is met.

Approval

This Cooperative Plan meets the statutory criteria of s. 66.0307, Wis. Stats. Pursuant to authority found in s. 66.0307(5), Wis. Stats., the Wisconsin Department of Administration hereby approves the City of New Richmond and Town of Star Prairie Cooperative Plan.

Henceforth, amendments or revisions to this Cooperative Plan shall only occur with the approval of City of New Richmond and Town of Star Prairie, and with the concurrence of the Wisconsin Department of Administration or any successor agency granted the authority to administer the provisions of s. 66.0307(8), Wis. Stats. This Cooperative Plan is effective from today's date, and remains in effect pursuant to the language and terms contained therein.

Dated this 20 day of December, 2012, by the Wisconsin Department of Administration:



Ed Eberle, Administrator
Division of Intergovernmental Relations
Wisconsin Department of Administration